

(FW) 2828

PATENTS  
Application Serial No. 09/805,368  
Confirmation No. 1552  
Attorney Docket No. CKB-015.01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
Dowling et al.	)	
Application No:	)	Art Unit: 2828
09/805,368	)	
Filed: March 13, 2001	)	Confirmation No.: 1552
For: LIGHT-EMITTING DIODE BASED	)	Examiner: Vu, David Hung
PRODUCTS	)	

**CERTIFICATE OF MAILING**

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop: Amendment, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 28, 2005.

  
John Barretto

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION-DISCLOSURE STATEMENT**

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a B3052859.1

Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in this application.

The Commissioner is authorized to charge the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p) to Deposit Account 06-1448, Reference CKB-015.01.

**PART II: Information Cited**

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following documents from the litigations, together with all exhibits filed therewith:

- Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc's Notice of Filing Declaration of Steve Faber," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Russell Martin,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Tam Bailey,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Peter Micha,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part I,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part II,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part III,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part IV,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part V,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part VII,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part VIII,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc’s Notice of Filing Declaration of Brett Kingstone Part IX,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc’s Notice of Filing Declaration of Brett Kingstone Part X,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc’s Notice of Filing Declaration of Brett Kingstone Part XI,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner’s understanding of the nature of the litigation. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

**PART III: Additional Remarks**

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.


Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 06-1448, Reference CKB-015.01.

Respectfully submitted,

Date: June 28, 2005  
**Customer No: 25181**  
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Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)  
CKB-015.01Application Number  
09/805,368Applicant  
Dowling et al.Filing Date  
March 13, 2001Group Art Unit  
2828**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,317,071	02/23/1982	Murad			
	5,418,697	05/23/1995	Chiou			
	5,521,708	05/28/1996	Beretta			
	5,532,848	07/02/1996	Beretta			
	5,607,227	03/04/1997	Yasumoto et al.			
	5,653,529	08/05/1997	Spocharski			
	5,831,686	11/03/1998	Beretta			
	5,949,581	09/07/1999	Kurtenbach et al.			
	6,056,420	05/02/2000	Wilson et al.			
	6,335,548	01/01/2002	Roberts			
	6,357,893	03/19/2002	Belliveau			
	6,441,943	08/27/2002	Roberts			
	6,618,031	09/09/2003	Bohn			
	6,676,284	01/13/2004	Wynne Willson			
	6,744,223	06/01/2004	LaFlamme			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	04-015685 (Abstract Only)	21.01.1992	JP				
	2001-153690	08.06.2001	JP			Yes	

**OTHER DOCUMENTS**

(Including Author, Title, Date, Pertinent Pages Etc.)

	PROCTOR, P., "Bright Lights, Big Reliability," <i>Aviation Week and Space Technology</i> , September 5, 1994, vol. 141, no. 10. pg. 29, Abstract Only.
	POLLACK, A., "The Little Light Light That Could," <i>The New York Times</i> , April 29, 1996, Business/Financial Desk, Section D, page 1, col. 2, Abstract Only.
	CHINNOCK, C., "Blue Laser, Bright Future," <i>Byte</i> , August 1995, vol. 20, Abstract Only.
	<i>Electronics</i> , vol. 67, no. 20, pg. A4, Abstract Only.

Form PTO-1449

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IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)  
CKB-015.01Applicant  
Dowling et al.Filing Date  
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Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part XI," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.